

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 14951-15000

[Approved by the Secretary of Agriculture, Washington, D. C., June 16, 1927]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

14951. Adulteration and misbranding of butter. U. S. v. Nelsonville Creamery and Cheese Assoc. Plea of nolo contendere. Fine, \$40.
(F. & D. No. 19729. I. S. Nos. 17403-v, 17435-v.)

On February 6, 1926, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Nelsonville Creamery & Cheese Assoc., a corporation, Nelsonville, Wis., alleging shipment by said company, in violation of the food and drugs act, in two consignments, on or about January 26 and March 21, 1925, respectively, from the State of Wisconsin into the State of Maryland, of quantities of butter which was adulterated and misbranded.

Adulteration of the article was alleged in the information for the reason that a substance containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement, to wit, "This butter is made from pure cream and on account of its high, rich, delicate flavor, should be kept in a cool place entirely away from vegetables and other like products," borne on the parcels containing the said article, was false and misleading, in that the said statement represented that the article was butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, whereas it was not but was a product deficient in milk fat, in that it contained less than 80 per cent by weight of milk fat.

On February 12, 1927, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$40.

W. M. JARDINE, *Secretary of Agriculture.*

14952. Misbranding of red dog flour. U. S. v. 351 Sacks of Red Dog Flour. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21708. I. S. No. 8721-x. S. No. E-6011.)

On March 9, 1927, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 351 sacks of red dog flour, remaining in the original unbroken packages at New Bedford, Mass., alleging that the article had been shipped by the Washburn-Crosby Co., South Louisville, Ky., and transported from the State of Kentucky into the State of Massachusetts, and charging misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was misbranded, in that the statement "Guaranteed Analysis Protein 16.00% Fat 4.00%," borne on the label, was false and misleading and deceived and misled the purchaser.

On March 29, 1927, the Washburn-Crosby Co., Boston, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

14953. Adulteration and misbranding of cottonseed meal. U. S. v. 100 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21637. I. S. No. 8718-x. S. No. E-5975.)

On February 14, 1927, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 sacks of cottonseed meal, remaining in the original unbroken packages at Worcester, Mass., alleging that the article had been shipped by L. B. Lovitt & Co., from Fremont, N. C., and transported from the State of North Carolina into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, cottonseed feed, had been substituted in part for the said article.

Misbranding was alleged for the reason that the statements "36% Cotton Seed Meal Guaranteed Analysis Protein 36.00% Nitrogen (Equivalent to 7.00% Ammonia) 5.75%," borne on the label, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On March 9, 1927, J. B. Garland & Sons, Worcester, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$350, conditioned in part that it be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

14954. Misbranding of digester tankage. U. S. v. 60 Sacks of Digester Tankage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21543. I. S. No. 9364-x. S. No. C-5314.)

On or about February 3, 1927, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 60 sacks of digester tankage, remaining in the original unbroken packages at Brazil, Ind., alleging that the article had been shipped by the Northern Illinois Cereal Co., Lockport, Ill., November 20, 1926, and transported from the State of Illinois into the State of Indiana, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Gold Medal Digester Tankage Guaranteed Analysis Min. Protein 60 Per Cent * * * Manufactured by Northern Illinois Cereal Company, Lockport, Ill."

It was alleged in substance in the libel that the article was misbranded, in that the label bore the following statement regarding the ingredients contained in the said article: "Guaranteed Analysis Min. Protein 60 Per Cent," which was false and misleading and deceived and misled the purchaser.

On April 5, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14955. Adulteration and misbranding of quinine sulphate tablets, nitro-glycerin tablets, acetphenetidin tablets, morphine sulphate tablets, strychnine sulphate tablets, and belladonna tincture. U. S. v. Raymer Pharmacal Co. Plea of nolo contendere. Fine, \$500. (F. & D. No. 21559. I. S. Nos. 4952-x, 4954-x, 4955-x, 4956-x, 4969-x, 6258-x, 6263-x, 7967-x, 7968-x, 7969-x.)

On January 4, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the